



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

THE WANAMAKER BUILDING, SUITE 515
100 PENN SQUARE EAST
PHILADELPHIA, PA 19107-3323

REGION III
DELAWARE
KENTUCKY
MARYLAND
PENNSYLVANIA
WEST VIRGINIA

August 31, 2018

RE: FOIA Request No. 18-02653-F

Ms. Colleen M. Aracri, Esq.
caracri@hardinlawpc.com

Dear Ms. Aracri:

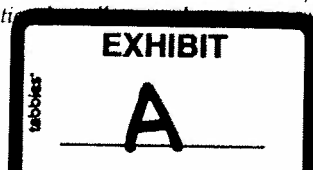
This is in response to your correspondence requesting information pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552. Your request was received in this office on August 17, 2018. You requested copies of any complaints filed against the Punxsutawney Christian School in 2016 that allege any violation of Title IX, as well as any accompanying resolution letters with those complaints. We are pleased to respond.

After a careful review, your request is treated as a partial denial. Section 552(b)(6) of the FOIA provisions exempts from release personal or private information contained in government files that applies to a particular, identifiable individual to the extent that the disclosure of such files would constitute a clearly unwarranted invasion of privacy. Further, Section 552(b)(7)(c) of the FOIA provisions exempts from release investigatory records compiled for law enforcement purposes if such release could reasonably be expected to constitute an unwarranted invasion of privacy. Therefore, we have withheld this information from the enclosed documents.

You have the right to seek assistance and/or dispute resolution services from the Department's FOIA Public Liaison or the Office of Government Information Services (OGIS). The FOIA Public Liaison is responsible, among other duties, for assisting in the resolution of FOIA disputes. OGIS, which is outside the Department of Education, offers mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to appeals or litigation. They can be contacted at:

FOIA Public Liaison
Office of the Chief Privacy Officer
U.S. Department of Education
400 Maryland Ave., SW, LBJ 2E321
Washington, DC 20202-4536
Email: robert.wehausen@ed.gov
Phone: (202) 205-0733
Fax: (202) 401-0920

The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.



Page 2 – Ms. Colleen Aracri, Esq.

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740-6001
OGIS@nara.gov
Phone: (202) 741-5770, or toll free at (877) 684-6448
Fax: (202) 741-5769

Lastly, you have the right to appeal this determination. You must submit any appeal within 90 calendar days after the date of this letter. Using the services described above does not affect your right, or the deadline, to pursue an appeal. An appeal must be in writing and must include a detailed statement of all legal and factual bases for the appeal; it should be accompanied by a copy of this letter, the initial letter of request, and any documentation that serves as evidence or supports the argument you wish the Department to consider in resolving your appeal. Please address your appeal to:

Appeals Office
Office of the Chief Privacy Officer
U.S. Department of Education
400 Maryland Avenue, SW, LBJ 2E320
Washington, DC 20202-4536
Email: EDFOIAppeals@ed.gov
Fax: (202) 401-0920

Appeals may be submitted using the on-line form available at www.ed.gov/policy/gen/leg/foia/foia-appeal-form.pdf.

After completing a search for records, OCR located ten (10) pages of records responsive to your request that can be released to you in whole or in part under the FOIA. Under Exemptions (b)(7)(c) and (b)(6), OCR withheld portions of seven (7) pages. Copies of these pages, containing required redactions, are enclosed.

Thank you for your interest. If you have any further questions about this matter, please feel free to contact Mr. Robert Carey at (215) 656-8577 or robert.carey@ed.gov.

Very Truly Yours,



Wendella P. Fox
Office Director
Philadelphia Office

Enclosure

From: [Mahoney, Joseph](#)
To: [Richardson, Peggy](#)
Cc: [Carey, Robert M.](#); [Beljour, Rose](#)
Subject: FW: OCR Complaint against Purchase Line School District 03161314
Date: Thursday, August 25, 2016 9:07:38 AM

Peg,

Please open a companion file for Punxsutawney Christian School (see below). The opening date will be today; the complainant has already provided a consent form. Thanks.

Joe

From: Mahoney, Joseph
Sent: Thursday, August 25, 2016 9:06 AM
To: (b)(6),(b)(7)(C)
Subject: RE: OCR Complaint against Purchase Line School District 03161314

(b)(6),(b)(7)(C)

Based on your email, we will open a complaint against Punxsutawney Christian School:

Punxsutawney Christian School
216 North Jefferson Street
Punxsutawney, PA 15767

It is not clear whether or not we have jurisdiction, so we will look into that as one of our first steps. You will receive an acknowledgment letter in a few days. Thank you.

Joseph P. Mahoney
Program Manager
U.S. Department of Education
Office for Civil Rights
100 Penn Square East
The Wanamaker Building, Suite 515
Philadelphia, PA 19107
215-656-8564 (Tel)
215-656-8605 (Fax)

Joe Mahoney

From: (b)(6),(b)(7)(C)
Sent: Thursday, August 25, 2016 8:31 AM
To: Mahoney, Joseph
Subject: Re: OCR Complaint against Purchase Line School District 03161314

I'm not sure the Punxy christian school takes federal funding. Like I said does take a school nurse paid for by a public school district qualify as them receiving federal funding?

We had no choice to remove our son from Punxy Christian because this child that did this to us still goes to school there. we got a letter from the christian school that we read as.
If we go to school there we cannot talk about what happened we need to accept what they did (which is a lie) and our child had behavior issues and we will find something to get rid of him. So shut up or leave or we will punish you. I go to find out that this incident wasn't reported for 4 days even though

there was immediate danger to both children.

Purchaseline school is responsible for the bus as per the pa school code. Punxy Christian school is responsible for the safety at school. If they take federal funding yes I am filing a complaint on the Punxy Christian school along with the purchaseline school district because they both did nothing.

(b)(6),(b)(7)(C)

Sent from my iPhone

On Aug 25, 2016, at 7:44 AM, Mahoney, Joseph <Joseph.Mahoney@ed.gov> wrote:

(b)(6),(b)(7)(C)

Are you filing a complaint with us against the Puxutawney Christian School?

Joe Mahoney

From: (b)(6),(b)(7)(C)

Sent: Wednesday, August 24, 2016 7:44 PM

To: Mahoney, Joseph

Subject: Re: OCR Complaint against Purchase Line School District 03161314

Mr Mahoney

Since we switched my sons school we had a medical release form for Tylenol. On that form it is titled from the Punxy christian school. On the bottom there is a notice of discrimination from the Punxy area school district. That is because the private school accepts a nurse from the school district. Not sure if that qualifies them as accepting federal funding??

Sent from my iPhone

On Aug 23, 2016, at 4:31 PM, Mahoney, Joseph <Joseph.Mahoney@ed.gov> wrote:

(b)(6),(b)(7)(C)

I'm sorry I missed your call today. This is to confirm that I received your Consent Form and your response to my email. We'll complete our evaluation of your complaint. Thank you.'

Joseph P. Mahoney
Program Manager
U.S. Department of Education
Office for Civil Rights
100 Penn Square East
The Wanamaker Building, Suite 515
Philadelphia, PA 19107
215-656-8564 (Tel)
215-656-8605 (Fax)

From: (b)(6),(b)(7)(C)

Sent: Monday, August 22, 2016 7:55 PM
To: Mahoney, Joseph
Subject: Re: OCR Complaint against Purchase Line School District 03161314

<image001.jpg>

Sent from my iPhone

On Aug 18, 2016, at 10:02 AM, Mahoney, Joseph
<Joseph.Mahoney@ed.gov> wrote:

Based on what you've provided here, it seems likely that we would be able to open an investigation. I will still need your consent to reveal your identity in order to do so.

From: (b)(6),(b)(7)(C)
Sent: Thursday, August 18, 2016 9:59 AM
To: Mahoney, Joseph
Subject: Re: OCR Complaint against Purchase Line School District 03161314

If there is any doubt in the responsibility of the school. Yesterday I got a call from the transportation coordinator for purchaseline school. (b)(6),(b)(7) gave me the pick up and drop off times.

I asked if it would be the same two students on the van that the public school provides. She said yes it is the same students.

There are only two students on this van my son and the perp. (Hostile environment)

I have informed a school board member and the superintendent previously that this other student is the suspect in a indecent assault case that is ongoing.

They know there is sexual harassment going on and do nothing about it. There is no doubt they are not in compliance with title IX

(b)(6),(b)(7)(C) is the business manager. I spoke to her once she explained about a threat on another bus. They called the state police did an investigation handled the situation apporiatly. The school knows what to do they are not doing anything purposefully.

Sent from my iPhone

On Aug 17, 2016, at 8:50 AM, Mahoney, Joseph
<Joseph.Mahoney@ed.gov> wrote:

Dear (b)(6),(b)(7)(C)

The question of the District's responsibility for what happened on the van is not entirely clear to me at this point without more facts. However, I can best answer your question about possible remedies by explaining it more generally. If a school district under OCR's authority received a complaint that a student was

sexually harassed and, after investigating the matter, OCR determined that the district failed to properly address the harassment, OCR would find a violation. The district would then be offered the opportunity to address the violation by signing an agreement to bring it into compliance. Such an agreement might include provisions such as counselling for the students involved, training for staff, revising procedures, etc. OCR would not move to take away a district's funding unless the district failed to reach an agreement with OCR and take steps to address the violation. This is discussed in the following OCR policy document:
<http://www2.ed.gov/about/offices/list/ocr/docs/shguide.html>.
Below is an excerpt from that policy:

If OCR is asked to investigate or otherwise resolve incidents of sexual harassment of students, including incidents caused by employees, other students, or third parties, OCR will consider whether — (1) the school has a disseminated policy prohibiting sex discrimination under Title IX and effective grievance procedures; (2) the school appropriately investigated or otherwise responded to allegations of sexual harassment; and (3) the school has taken immediate and effective corrective action responsive to the harassment, including effective actions to end the harassment, prevent its recurrence, and, as appropriate, remedy its effects. (Issues related to appropriate investigative and corrective actions are discussed in detail in the section on “Recipient’s Response.”) If the school has taken, or agrees to take, each of these steps, OCR will consider the case against the school resolved and will take no further action, other than monitoring compliance with an agreement, if any, between the school and OCR. This is true in cases in which the school was in violation of the Title IX regulations (e.g., a teacher sexually harassed a student in the context of providing aid, benefits, or services to students), as well as those in which there has been no violation of the regulations (e.g., in a peer sexual harassment situation in which the school took immediate, reasonable steps to end the harassment and prevent its recurrence). This is because, even if OCR identifies a violation, Title IX requires OCR to attempt to secure voluntary compliance. Thus, because a school will have the

opportunity to take reasonable corrective action before OCR issues a formal finding of violation, a school does not risk losing its Federal funding solely because discrimination occurred.

I hope this is helpful. Please feel free to contact me if you would like to discuss further. Thank you.

Joseph P. Mahoney
Program Manager
U.S. Department of Education
Office for Civil Rights
100 Penn Square East
The Wanamaker Building, Suite 515
Philadelphia, PA 19107
215-656-8564 (Tel)
215-656-8605 (Fax)

From: (b)(6),(b)(7)(C)
Sent: Tuesday, August 16, 2016 10:03 PM
To: Mahoney, Joseph
Subject: Re: OCR Complaint against Purchase Line School District 03161314

Mr Mahoney

I did want to ask what resolutions ocr is able to provide for me. If a school does not do what is required under title IX then they should not receive federal funding. That is the resolution I am seeking.

The district broke the law and should suffer the consequences the same as any other person that breaks the law.

In this student a will be the perp who committed the act (not sure about privacy).

(b)(6),(b)(7)(C)

We went to Punxsutawney christian school (where he goes to school) and reported it to the administrator. She contacted childline the public school should have been contacted by them at that

time.

The next day student a was still on the van we removed our child for his safety at that time for the last two weeks of school.

I went and spoke to joe Bradley (purchaseline superintendent) on about the 26th at around 200. Explained what occurred. He asked what I expected at the time. I wasn't sure as children and youth services were doing inquire. I didn't know at the time a perp must be 14 to fall under cys guidelines. So I then contacted him a week or so later asking for a monitor on the van. He said the district feels that the van driver is good enough and they only had a parents request. The two schools say it is the others responsibility. The pa school code clearly states that a private school within 10 miles of district lines the public school is responsible to transport. It also states that a student is the schools responsibility as soon as they get on the bus. I spoke with the school board at Punxy christian and they can't do anything about van because they don't contact it. The public school does.

I finally figured to call state police and it is now under investigation. Student a is a suspect in an indecent assault and is not cooperating with police which is their rights. I have informed a public school board member (b)(6),(b)(7)(C) and the owner of the bus company (b)(6),(b)(7)(C) and the Punxy christian school administration.

As of now I believe student a is still scheduled to ride the van same as before.

At no time did purchaseline school investigate, direct me to ocr coordinator, take any action to protect my child, nor did the bus company or the Christian school. There have been other issues with this child that were documented of threats of physical violence toward my son.

I have the consent form. I just want to know what can be done about this. I have went every route for help and nothing has been done (the state police are working on it) I don't want to go through this and ocr train the school to better deal with this type situation. This is a vagrant disregard for the federal laws which this school is to uphold to receive federal money. If I received a federal grant and didn't comply I would lose it and face a penalty. I expect the same from this. My son doesn't go to purchaseline because it's my choice and they are a failing school(lowest 15 %). When I get time I will try call you.

Let me know what you think.

(b)(6),(b)(7)(C)

Sent from my iPhone

On Aug 16, 2016, at 4:05 PM, Mahoney, Joseph
<Joseph.Mahoney@ed.gov> wrote:

Dear (b)(6),(b)(7)(C)

This refers to the complaint that you filed with the U.S. Department of Education (the Department), Office for Civil Rights (OCR), against Purchase Line School District (the District). I work with Melissa Corbin and I am following up with you regarding your complaint and your conversation with Ms. Corbin.

OCR enforces regulations that prohibit discrimination on the bases of race, color, national origin, sex, disability, and age. The regulations enforced by OCR also prohibit retaliation against individuals who assert or defend a right or privilege secured by the laws OCR enforces, or participate in an OCR proceeding. In order for OCR to proceed with the resolution of your complaint, we need you to provide additional information. For information regarding what guides OCR's evaluation of complaints alleging a recipient's failure to address incidents of sexual harassment, including sexual violence, please see OCR's April 4, 2011 Dear Colleague Letter, *Questions and Answers on Title IX and Sexual Violence*, and the January 19, 2001 *Revised Sexual Harassment Guidance*.
<http://www2.ed.gov/about/offices/list/ocr/docs/qa-201404-title-ix.pdf>
<http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201104.html>
<http://www2.ed.gov/about/offices/list/ocr/docs/shguide.html>

1. Based upon OCR's review of your complaint, it appears that you are alleging that the discriminated against your son on the basis of sex by failing to appropriately address your complaint to District officials that your son was sexually harassed on a school van.

2. Does allegation #1 above accurately and completely state the allegations that you intended to raise with OCR? If you answered "no" above, please list any additional complaint allegations that you intend to raise in this complaint, or revise the above allegation if it contains inaccurate wording. If you raise any additional allegations, please provide the following information about each additional allegation of discrimination:
 - a. Describe the discrimination (who, what, when, where, how);
 - b. State the basis for the discrimination (e.g., sex); and
 - c. State your reasons for believing that the discrimination is related to that basis.

3. Please provide the following information about each contact you have had with a District employee about the sexual harassment:
 - d. The date of the contact;
 - e. The name/title of the person to whom you spoke; and
 - f. Describe in detail what you reported, what action you requested that the District take, and the response (please provide copies if any correspondence was in writing).

4. Please state the name of the school that your son attends and provide any information you have about the District's obligation to provide transportation to his school.

Please provide the information requested above within 20 days of the date of this email (i.e., by **September 5, 2016**). If you do not provide the requested information within 20 days, we may close your complaint. If you would like to provide your responses by telephone or if you have any questions or require clarification, please contact me.

In addition, we must have your consent to reveal your identity in order to proceed with your complaint.
Consent is due by August 24, 2016.

If we do not receive your signed consent by that date, we may close your complaint. I am providing a link to the consent form, which you may sign and return by email, fax, or US mail.

Thank you.

Joseph P. Mahoney
Program Manager
U.S. Department of Education
Office for Civil Rights
100 Penn Square East
The Wanamaker Building, Suite 515
Philadelphia, PA 19107
215-656-8564 (Tel)
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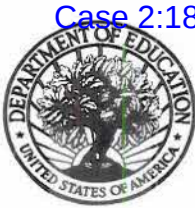
1

<http://www2.ed.gov/about/offices/list/ocr/docs/qa-201404-title-ix.pdf>

<http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201104.html>

<http://www2.ed.gov/about/offices/list/ocr/docs/shguide.html>

https://wdcrobcolp01.ed.gov/CFAPPS/OCR/ocr_complaint_consent_form.pdf



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UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

THE WANAMAKER BUILDING, SUITE 515
100 PENN SQUARE EAST
PHILADELPHIA, PA 19107-3323

REGION III
DELAWARE
KENTUCKY
MARYLAND
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WEST VIRGINIA

June 14, 2017

IN RESPONSE, PLEASE REFER TO: **03-16-1843**

(b)(6),(b)(7)(C)

Dear (b)(6),(b)(7)(C):

This is in further reference to the complaint that you filed with United States Department of Education (the Department), Office for Civil Rights (OCR), against the Punxsutawney Christian School (the School) alleging discrimination. Specifically, you alleged that the School discriminated against your son on the basis of sex.

OCR enforces federal laws that prohibit discrimination based on race, color, national origin, sex, age, and disability in programs and/or activities that receive Federal financial assistance from the Department. OCR also enforces the Boy Scouts of America Equal Access Act of 2001, which applies to certain public schools and educational agencies that receive Federal financial assistance from the Department. The School does not receive Federal financial assistance from the Department, and OCR does not have other delegated authority over it. Consequently, OCR does not have jurisdiction to investigate complaints against the School, and we are dismissing your complaint against the School, effective the date of this letter.

We did not notify the School of your complaint. Under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records upon request. If OCR receives such a request, we will seek to protect, to the extent provided by law, personal information that, if released, could constitute an unwarranted invasion of privacy.

If you should have any questions, please contact Elizabeth Cavallucci, Equal Opportunity Specialist, at (215) 656-6939 or by email at elizabeth.cavallucci@ed.gov.

Sincerely,

Melissa M. Corbin
Team Leader